IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 2ND APRIL 2007 / 12TH CHAITHRA 1929

WP(C).No. 11327 of 2007(W)

PETITIONER:

THE MANAGER,
N.L.P.S., MANALI,
P.O.CHIRANELLUR, THRISSUR DISTRICT.

BY ADV. SRI.ELVIN PETER P.J.

RESPONDENTS:

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1. THE DIRECTOR OF PUBLIC INSTRUCTION,
THIRUVANANTHAPURAM.

2. THE DEPUTY DIRECTOR OF EDUCATION,
THRISSUR.

3. THE ASSISTANT EDUCATIONAL OFFICER,
KUNNAMKULAM.

BY GOVT. PLEADER SRI. A.J. VARGHESE.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 02/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) No. 11327 OF 2007

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Dated this the 2nd day of April, 2007

JUDGMENT

Petitioner has approached this court feeling aggrieved by Exts. P5, P6 and P8. Ext. P9 is the order of the Joint Director of Public Instruction, which is issued under Rule 12E (3) of Chapter XXIII of KER. Ofcourse the case of the petitioner is based on Ext.P3 judgment of this court. This court in the said judgment took the view that the petitioner therein, the Manager, is entitled to admit students in her School in the light of the provisions of the Rule. In other words, the court took the view that Rule 1 of Chapter VI of KER, as long as it remains in force, students can be accommodated in accordance with the provisions contained therein. The provisions contained therein contemplate that a declaration from the parent/guardian or in the case of an orphan a certificate from a registered Medical Practitioner regarding the date of birth of the pupil can be accepted instead of the birth certificate. I feel that the petitioner has an effective remedy in the form of revision petition under Rule 12F.

2. Heard Government Pleader also.

Accordingly the writ petition is disposed of directing that if the petitioner prefers a revision under Rule 12F before the Government of Kerala within a period of two weeks from today, a decision in accordance with law will be taken thereon by the revisional authority (Government of Kerala), after affording an opportunity of hearing to the petitioner and any other affected party, within a period of five weeks from the date of receipt of the revision. In deciding the revision, the revisional authority will take note of Ext.P3 judgment also.

(K.M. JOSEPH, JUDGE)

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K.M.JOSEPH, JJ.

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W.A. No. OF

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JUDGMENT

Dated this the day of February, 2006.